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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

2:18-CR-00072-APG-NJK

vs.
Plaintiff,

**STIPULATION TO CONTINUE
STATUS HEARING**

DAX TERRY,

(Third Request)

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between LANCE A. MANINGO, ESQ., Counsel for Defendant and AFROZA YEASMIN, Assistant United States Attorney, Counsel for the United States of America, that the Status Hearing, currently scheduled for September 30, 2024, at 1:00 p.m. be vacated and continued a minimum of ninety (90) days, or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. That Defendant was admitted to the Mental Health Unit of FMC Butner on March 5, 2024;
2. That Defendant is currently undergoing interviews and psychological testing;
3. That the evaluation period for Defendant had been calculated to end on or about July 2, 2024, with a final report being forwarded to the Court within 14 working days of the end date (July 22, 2024);

- 1 4. That on July 18, 2024, the parties received an electronic copy of the report;
- 2 5. That on September 27, 2024, the parties were informed by the Court that the
- 3 Defendant was still in BOP custody out of District;
- 4 6. That the Parties agree to the continuance;
- 5 7. That this is the third request for a continuance of the Status Hearing in this case;
- 6 8. That denial of this request for a continuance could result in a miscarriage of
- 7 Justice; and
- 8 9. That the additional time requested by this Stipulation is excludable in
- 9 computing the time within which the trial herein must commence pursuant to
- 10 the Speedy Trial Act, Title 18 United States Code Section 3161(h)(3)(A) and
- 11 Title 18 United States Code Section 3161(h)(7)(A), considering the factors
- 12 under Title 18 United States Code Sections 3161(h)(7)(B)(i) and 3161
- 13 (h)(7)(B)(iv).

12 RESPECTFULLY SUBMITTED this 27th day of September 2024.

14 By: /s/ Lance A. Maningo
15 LANCE A. MANINGO, ESQ.
16 Attorney for Defendant

14 By: /s/ Afroza Yeasmin
15 AFROZA YEASMIN
16 Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE UNITED STATES OF AMERICA,

2:18-CR-00072-APG-NJK

Plaintiff,

STIPULATION TO CONTINUE STATUS HEARING

VC

DAX TERRY,

Defendant.

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds:

1. That Defendant was admitted to the Mental Health Unit of FMC Butner on March 5, 2024;
2. That Defendant is currently undergoing interviews and psychological testing;
3. That the evaluation period for Defendant had been calculated to end on or about July 2, 2024, with a final report being forwarded to the Court within 14 working days of the end date (July 22, 2024);
4. That on July 18, 2024, the parties received an electronic copy of the report;
5. That on September 27, 2024, the parties were informed by the Court that the Defendant was still in BOP custody out of District;
6. That the Parties agree to the continuance;
7. That this is the third request for a continuance of the Status Hearing in this case;
8. That denial of this request for a continuance could result in a miscarriage of Justice; and

1 9. That the additional time requested by this Stipulation is excludable in computing the
2 time within which the trial herein must commence pursuant to the Speedy Trial Act,
3 Title 18 United States Code Section 3161(h)(3)(A) and Title 18 United States Code
4 Section 3161(h)(7)(A), considering the factors under Title 18 United States Code
5 Sections 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

4 **CONCLUSIONS OF LAW**

5 The ends of justice are served by granting the requested continuance.

6 **ORDER**

7 IT IS THEREFORE ORDERED that the Status Hearing currently scheduled for
8
9 September 30, 2024, at 1:00 p.m. be vacated and continued to January 7, 2025, at
10 10:00 a.m.

11 DATED this 27th day of September 2024.

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14 NANCY J. KOPPE
15 UNITED STATES MAGISTRATE JUDGE
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